

Message

From: Garrity, Lynn [Lynn.Garrity@lakeerie.ohio.gov]
Sent: 2/24/2021 6:16:45 PM
To: Giancarlo, Mary Beth [Giancarlo.Marybeth@epa.gov]
CC: Michael.Shapiro@epa.ohio.gov; William.Zawiski@epa.ohio.gov; Prout, Susan [prout.susan@epa.gov]; Klinkhamer, Christopher [Klinkhamer.Christopher@epa.gov]; Cieniawski, Scott [cieniawski.scott@epa.gov]
Subject: RE: Gorge PA Amendment
Attachments: match-ho1-in-kind-form-4-13-12.pdf

Flag: Follow up

Mary Beth,

Thank you for your question. Per Ohio EPA counsel, the Second Amendment to the Project Agreement is to be revised to a \$2.1 million total estimated project cost, which cost can be increased upon agreement of the parties. The initial 35% non-federal sponsor cost match to be provided by the City of Akron. While this will provide us with some lead time, we (Ohio EPA/OLEC and our partners) are lining up in-kind contributors to equal a 35% non-federal sponsor cost match amount of \$199,500 of in-kind contributions, to equate to a total project estimated cost of \$2.67 million. In short to your question, those contributions reviewed and accepted by GLNPO before processing the next amendment to increase the ceiling to \$2.6M is recommended.

Per M. Shapiro, there was originally that securing of in-kind contributions would need to be manifested through the MOU process. However, his research proved otherwise, as such a procedure may become unnecessarily cumbersome and time consuming. Instead, what would be completed is an "In-Kind Contribution Form" similar to the one attached, but tailor-made for our needs. Among the items to be added are:

- A public interest statement of the benefit to be achieved by the contributor and the public from the contribution, and
- A reliance statement that the pledge of contribution will be presented to U.S. EPA for approval to count as part the state's 35% non-federal sponsors cost match, necessary to secure additional federal dollars for the Cuyahoga Gorge Dam Removal federal project.

When completed the form and any additional information required by federal sponsor, and signed by the contributor and the person receiving the form (Bill Z.), will be present to U.S. EPA for review and approval that if the specified in-kind contribution is completed as described, the cost attributed to the contribution will count toward the non-federal sponsors 35% contribution and the total project cost will be revised to ____ as manifest by an amendment to the Project Agreement. In the spirit of cooperation, the review and approval does not need to take up to four months to complete. In order to sign an amendment raising the total project cost, the state requires assurance that the submitted in-kind contributions will equate to an agreed to specified amount of cost match dollars. Upon the providing of said assurances, the Project Agreement can be officially amended by the parties.

To the best of our knowledge, the specifics of the in-kind contribution, including the costs associated with it, are agreed to before a grantee signs the agreement. To do otherwise would lead to confusion and disputes.

Ohio is exploring other nearer-term funding options. It would be very helpful to know the updated project design budget in the coming days and timeline to have this budget in place to maintain the project design schedule and the budget that is minimally necessary so Ohio can

expedite exploring these more immediate “cash” options/funding amounts, while the in-kind approval process continues to proceed and is expedited.

Please contact us if additional information, clarification or discussion is needed. Thanks.

Lynn Garrity
Lake Erie Program Administrator
Ohio Lake Erie Commission
614.506.0619
Lynn.Garrity@lakeerie.ohio.gov

From: Giancarlo, Mary Beth <Giancarlo.Marybeth@epa.gov>
Sent: Tuesday, February 23, 2021 5:15 PM
To: Garrity, Lynn <Lynn.Garrity@lakeerie.ohio.gov>
Cc: Shapiro, Michael <Michael.Shapiro@epa.ohio.gov>; Zawiski, William <William.Zawiski@epa.ohio.gov>; Prout, Susan <prout.susan@epa.gov>; Klinkhamer, Christopher <Klinkhamer.Christopher@epa.gov>; Cieniawski, Scott <cieniawski.scott@epa.gov>
Subject: RE: Gorge PA Amendment

Hi Lynn,

Thanks for the update. I do need some clarification though.

Let's assume we move ahead with this amendment for \$2.1M. Will Ohio EPA be ready to amend the PA again to increase the ceiling to \$2.6M as soon as the MOUs are in place? Or do the in-kind contributions need to be submitted by the local partners and those contributions reviewed and accepted by GLNPO before we process the next amendment to increase the ceiling to \$2.6M?

-MB

From: Lynn.Garrity@lakeerie.ohio.gov <Lynn.Garrity@lakeerie.ohio.gov>
Sent: Tuesday, February 23, 2021 3:07 PM
To: Giancarlo, Mary Beth <Giancarlo.Marybeth@epa.gov>
Cc: Michael.Shapiro@epa.ohio.gov; William.Zawiski@epa.ohio.gov
Subject: Gorge PA Amendment

Mary Beth,

Please find attached from Ohio EPA a revised second amendment that accepts all of U.S. EPA's changes from the document you sent on 2/17/21, except places the total estimated cost of the project at \$2,100,000 unless modified by the parties. Second, additional language was added in section 14. The added language in the SOW regarding the submittal of the in-kind contributions, can be removed. U.S. EPA is the final arbitrator of the cost share value.

Regarding in-kind contributions moving forward, Ohio EPA will be establishing MOUs with the local partners who will be providing in-kind costs to the project. We are going to be gearing this up in the next week so that this can be expedited and in place as this project moves forward.

A this point, Ohio EPA would prefer to proceed with the Amendment for the \$2.1M and then to expedite a process for the in-kind local partners in the coming month. We are ready to proceed to keep things moving forward. If helpful to hold a call in the coming days to finalize, we can do that. Thanks.

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